

FROM NIXON & VANDERHVE PC1
LEIBER

(FRI) 9.26'03 8:24/ST. 8:21/NO. 4260421408 P 10

Application No. 10/048,122

Response to office action dated June 26, 2003

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicants acknowledge with appreciation the indication that claims 4-12, 15-22, 25 and 26 contain allowable subject matter.

Claim 19 has been amended to delete the phrase "in connection with claim 14" and withdrawal of the objection to this claim is respectfully requested.

Claims 1-12 were rejected under 35 U.S.C. Section 112, second paragraph, as allegedly being indefinite. Claim 1 has been amended to positively recite introducing atoms and/or molecules that change the refractive index into the polymer carrier. Based on this amendment, withdrawal of the rejection of claims 1-12 as being indefinite is respectfully requested.

Claims 1-3, 13, 14, 23 and 24 were rejected under the judicially created doctrine of obviousness-type double patenting over claim 13 of U.S. Patent No. 6,386,458. Applicants respectfully traverse this rejection. Claim 13 of the '458 patent involves changing the optical properties of an information carrier by thermal heating, while independent claim 1 of the subject patent application, for example, involves introducing atoms and/or molecules into a polymer carrier at locations associated with individual information units. Independent claims 13 and 14 of the subject patent application also refer to atoms and/or molecules that change the refractive index of a polymer carrier. Claim 13 of the '458 patent does not recite such atoms and/or molecules and thus claim 13 of the '458 patent does not recite all the elements of claims 1, 13, 14 (or of dependent claims 2, 3, 23 and 24) as alleged in the office action. Accordingly, reconsideration and withdrawal of the double patenting rejection of claims 1-3, 13, 14, 23 and 24 is respectfully requested.

New claims 27-30 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. These claims are believed to incorporate allowable subject matter.

FROM NIXON & VANDERHYE PC:
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Application No. 10/048,122

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The pending claims are believed to be allowable and favorable office action is respectfully requested. Should any issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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